IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH,
AT HYDERABAD

Present:
HON'BLE MR. JUSTICE S.ANANDA REDDY

Wednesday, the 5th day of July, 2006

W.P.No. 29478 of 1997

Between:

TVJ Gopalakrishna Rao, S/o. Suryaprakash Rao,
Aged about 52 years, Working as UDC, APSEB,
Visakhapatnam.

…Petitioner

and

Andhra Pradesh State Electricity Board
Represented by its Member Secretary,
Vidyut Southa, Somajiguda, Hyderabad & 2 others.

… Respondents

The Court delivered the following -

O R D E R:

This writ petition is filed by the petitioner, aggrieved by the orders of the respondents in reverting him from the post of UDC to the post of LDC on the premise that the exemption that was granted with reference to the requirement of passing of departmental test by invoking the provisions of Regulation 41 of the Service Regulations is contrary to the judgment of the Division Bench of this Court.

2. According to the petitioner, though Division Bench held that relaxation given to an unqualified candidate is not proper, and in fact, set aside the said proceedings of the Board, but, however, made a provision for considering the individual cases on their own merits. In fact, with reference to the one such case, where individual exemption was granted in respect of one Md. Shafuddin, where a similar action was initiated by the Respondent-Board. The Writ Petition filed by him in W.P.No.2389 of 1998 was allowed by an order dated 10.08.2004 of this Court. The learned counsel therefore, sought to set aside the impugned order, since the petitioner by virtue of the interim order continued to discharge his official functions as U.D.C., and has even retired.

3. The learned Standing Counsel for the Respondent-Board, however, sought to sustain the impugned order contending that even though the Division Bench did not took the view that the Board has no power to grant relaxation but only set aside the *en mass* relaxation depriving the merit and eligible candidates. Therefore, the learned counsel sought for appropriate orders.

4. Heard both the learned counsel and considered the material on record.

5. Since identical issue was considered by this Court in

Md.Shafuddin vs. APSEB & others[1] where similar orders passed by the respondent-Board were set aside, the same view applies to the petitioner herein also.

6. Accordingly, following the said view expressed by this Court in the above referred case, the Writ Petition is allowed setting aside the impugned order. No costs.

Dt. 05…07...2006

S.Ananda Reddy,J.

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HON'BLE MR. JUSTICE S.ANANDA REDDY

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ORDER

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[1] W.P.No. 2389 & 14121 of 1998, dt. 10.8.2004